

## Message Text

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ORIGIN ITFE-05

INFO OCT-01 ISO-00 SSO-00 DHA-02 ORM-01 EA-10 L-03 SS-15

NSC-05 NSCE-00 CIAE-00 INR-07 NSAE-00 INSE-00 PA-02

PRS-01 USIE-00 INRE-00 IO-10 AID-05 IGA-01 PM-03

SCA-01 SCSE-00 VO-03 FBIE-00 SP-02 /077 R

DRAFTED BY IATF:RDUBOIS:CH

APPROVED BY IATF:JTAFT

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O 231913Z JUL 75

FM SECSTATE WASHDC

TO CINCPACREP GUAM IMMEDIATE

CG CAMP PENDLETON IMMEDIATE

INFO SECDEF IMMEDIATE

JCS IMMEDIATE

CINCPAC IMMEDIATE

DEPT OF JUSTICE

CG FT NHAFFEE ARK

INDIANTOWN GAP MIL RES PA

CG EGLIN AFB FLA

UNCLAS STATE 173509

E.O. 11652: N/A

TAGS: SREF

SUBJECT: LEGAL GUIDELINES AT REFUGEE CENTERS

FOR SENIOR CIVILIAN COORDINATOR AND CHIEF U.S. MARSHAL

1. THIS MESSAGE OUTLINES THE PROCEDURES TO BE FOLLOWED CONCERNING SECURITY ARRANGEMENTS, AND THE COORDINATION THEREOF, SPECIFICALLY AT THE REFUGEE/REPATRIATION CENTERS ON GUAM AND THE REFUGEE CENTER AT CAMP PENDLETON. ALTHOUGH NOT APPLICABLE AT THIS TIME TO THE OTHER REFUGEE CENTERS, UNCLASSIFIED

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THEY ARE INFO IN ORDER TO BE MADE AWARE OF WHAT ARRANGEMENTS WILL BE IN EFFECT SHOULD THE OCCASION ARISE.

2. FOLLOWING IS THE TEXT OF THE MEMORANDUM TO THE IATF

FROM THE OFFICE OF LEGAL COUNSEL, DEPARTMENT OF JUSTICE  
CONCERNING THE DIVISION OF AUTHORITY AND RESPONSIBILITY TO  
CONTROL INDOCHINESE CIVILIANS PRIOR TO THEIR LEGAL ENTRY  
INTO THE UNITED STATES:

QUOTE: GUIDELINES FOR POLICE RESPONSIBILITY REGARDING INDO-  
CHINESE CIVILIANS CURRENTLY HELD IN INS PROCESSING AREAS.

A. THE UNITED STATES MARSHALS SERVICE SHALL ACT AS THE  
PRIMARY LAW ENFORCEMENT ORGANIZATION WITH RESPECT TO INDO-

CHINESE CIVILIANS CURRENTLY IN STAGING AREAS ON MILITARY  
BASES. THE SERVICE WILL HAVE THE FOLLOWING BASIC RESPON-  
SIBILITIES:

1. MINOR POLICE PROBLEMS, INVOLVING FORCE OR DETENTION,  
WILL BE HANDLED BY A LIMITED NUMBER OF UNITED STATES  
MARSHALS STATIONED ON THE SCENE.
  2. IN THE EVENT OF MAJOR CIVIL DISTURBANCES, MARSHALS  
ON THE SCENE MAY SUMMON A UNITED STATES MARSHAL SPECIAL  
OPERATIONS UNIT. SUCH UNITS WILL BE HELD AVAILABLE FOR  
THAT DUTY. (THE MARSHALS SERVICE ADVISES THAT ITS  
SPECIAL OPERATIONS UNIT COULD HAVE A WORKING FORCE OF 25  
MEN AT THE REFUGEE CAMPS WITHIN FOUR HOURS' NOTICE ( A  
FORCE CAPABLE OF CONTAINING A DISRUPTIVE CROWD OF 200) AND  
150 PEOPLE AT THE CAMP WITHIN EIGHT HOURS).
  3. UNAUTHORIZED ATTEMPTS TO LEAVE THE PROCESSING AREAS  
WILL BE DEALT WITH BY REGULAR INS OR UNITED STATES  
MARSHAL PERSONNEL ON THE SCENE WHO MAY, IF NECESSARY,  
SEEK THE AID OF LOCAL AUTHORITIES. (SUCH AID MAY BE  
SOUGHT FOR BOTH THE RESTRAINING AND THE RETURN OF ALIENS  
ILLEGALLY DEPARTING THE CAMPS. SEE 28 U.S.C. 570). IN  
THE EVENT OF LARGE NUMBERS OF UNAUTHORIZED PERSONS  
ATTEMPTING TO LEAVE, UNITED STATES MARSHAL SPECIAL OPERA-  
TIONS UNITS WILL BE AVAILABLE.
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4. INFORMAL DEFUSING OF MINOR DISRUPTIONS BY MARSHALS,  
REGULAR INS PERSONNEL OR MILITARY PERSONNEL WILL, OF  
COURSE, BE APPROPRIATE.
  5. FELONIES OR "OTHER SERIOUS MATTERS" INVOLVING CIVI-  
LIANS WILL BE REPORTED BY THE MILITARY, THE MARSHALS, AND/  
OR THE INS TO THE APPLICABLE U.S. ATTORNEY OR STATE OR  
LOCAL AUTHORITIES (IF NO FEDERAL VIOLATION IS INVOLVED)  
FOR INVESTIGATION BY THE FBI OR SUCH OTHER FEDERAL OR  
STATE INVESTIGATIVE AGENCIES AS MAY BE APPROPRIATE. U.S.  
ATTORNEYS WILL COORDINATE THEIR ACTIVITY AND COOPERATE  
WITH THE DEPARTMENT OF STATE AND THE INS IN ANY MATTER  
INVOLVING THESE CIVILIANS.

6. THE U.S. MARSHALS SERVICE IN CONJUNCTION WITH THE U.S. ATTORNEY WILL COORDINATE WITH APPROPRIATE STATE AND LOCAL AUTHORITIES FOR THE DISPOSITION OF CIVILIANS WHOSE ACTIONS MAY VIOLATE ONLY STATE OR LOCAL LAWS OR FOR WHOM STATE OR LOCAL DISPOSITION IS MORE APPROPRIATE THAN ACTION UNDER SUCH FEDERAL LAW AS MAY BE APPLICABLE.

7. THE MILITARY SHALL MAKE AVAILABLE SUCH FACILITIES FOR USE BY THE MARSHALS AS THE MARSHALS SHALL DEEM NECESSARY. USE OF SUCH FACILITIES IS NOT PROHIBITED BY THE POSSE COMITATUS ACT (18 U.S.C. 1385) AS LONG AS THOSE FACILITIES ARE MANNED BY U.S. MARSHAL PERSONNEL.

8. CONTINGENCY PLANS SHALL BE WORKED OUT WITH LOCAL U.S. ATTORNEYS TO PROVIDE THE CAPABILITY OF BRINGING A MAGISTRATE INTO THE CAMPS QUICKLY SHOULD THE NEED FOR SUCH ACTION ARISE.

9. NOTHING IN THE FOREGOING PARAGRAPHS IS INTENDED TO ALTER OR IMPINGE UPON THE NORMAL INVESTIGATIVE RESPONSIBILITIES OF THE FBI OR OTHER FEDERAL AGENCIES HAVING AUTHORITY TO INVESTIGATE FEDERAL CRIMES OR OF STATE OR LOCAL AUTHORITIES AS TO CRIMES UNDER THEIR JURISDICTION.

B. NOTHING IN PARAGRAPH A IS INTENDED TO ALTER OR IMPINGE UPON THE MILITARY'S INDEPENDENT AUTHORITY TO PROTECT AND UNCLASSIFIED

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SAFEGUARD ITS PERSONNEL, MATERIAL, AND ABILITY TO PERFORM ITS MISSION.

1. THE COMMANDING OFFICER OF A MILITARY INSTALLATION MAY, FOR SECURITY REASONS, DESIGNATE CERTAIN AREAS OFF LIMITS TO CIVILIANS AND USE MILITARY PERSONNEL TO ENFORCE THIS RESTRICTION.

2. A MILITARY COMMANDER MAY USE NECESSARY FORCE TO PROTECT AGAINST CIVILIAN CONDUCT THREATENING PERSONNEL, EQUIPMENT, OR FACILITIES UNDER HIS COMMAND.

C THE MILITARY HAS PRIMARY AUTHORITY FOR THE CARE OF THE INDOCHINESE CIVILIANS WHILE THEY ARE HOUSED ON MILITARY INSTALLATIONS, BUT IT SHALL RELY ON UNITED STATES MARSHALS TO PROTECT THE DELIVERY OF THAT CARE AGAINST ANY DISRUPTION TO THE MAXIMUM EXTENT POSSIBLE.

D. REGULAR IMMIGRATION AND NATURALIZATION SERVICE PERSONNEL AT THE BASES SHALL ASSIST THE UNITED STATES MARSHALS AS CALLED UPON.

END OF QUOTE.

3. ANY QUESTIONS PERTAINING TO THESE GUIDELINES SHOULD BE  
CABLED TO THE IATF, ATTENTION: GENERAL COUNSEL.

4. THIS MESSAGE DOES NOT RELIEVE THE DEPARTMENT OF  
DEFENSE FROM ITS POLICING RESPONSIBILITIES AS CURRENTLY  
EXERCISED AT ANY OF THE REFUGEE/REPATRIATION CENTERS.

REQUESTS FOR MODIFICATION OF PRESENT ARRANGEMENTS REGARD-  
ING THE USE OF U.S. MILITARY MANPOWER IN A POLICING ROLE  
SHOULD BE DIRECTED THROUGH THE SENIOR DOD COORDINATOR ON  
REFUGEES, MR. ERICH VON MARBOD, PDASD/C TO THE DIRECTOR,  
IATF.

5. FOLLOWING IS TEXT OF U.S. ATTORNEY GENERAL ORDER NO.  
611-75:

QUOTE: AUTHORITY OF UNITED STATES MARSHALS ON DUTY AT  
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REFUGEE CENTERS TO EXERCISE POWERS OF IMMIGRATION  
OFFICERS. PURSUANT TO THE AUTHORITY VESTED IN ME UNDER  
SECTION 103 OF THE IMMIGRATION AND NATIONALITY ACT,  
8 U.S.C. 1103, I HEREBY CONFER UPON U.S. MARSHALS ON DUTY  
AT CENTERS FOR PROCESSING OR REPATRIATING INDOCHINESE  
REFUGEES, IN ADDITION TO THE POWERS ALREADY VESTED IN  
THEM, THE POWERS AND DUTIES OF IMMIGRATION OFFICERS AS  
PROVIDED BY THAT ACT TO PREVENT UNAUTHORIZED DEPARTURES  
FROM THOSE CENTERS AND TO RETURN THERETO REFUGEES WHO  
DEPART THEM WITHOUT HAVING BEEN AUTHORIZED TO DO SO.

THIS ORDER SHALL REMAIN IN EFFECT SO LONG AS THOSE CENTERS  
SHALL REMAIN IN USE OR UNTIL THIS ORDER IS REVOKED, WHICH-  
EVER IS SOONER. SIGNED EDWARD H. LEVI ATTORNEY GENERAL  
JULY 18, 1975. END OF QUOTE. JISSINGER

UNCLASSIFIED

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## Message Attributes

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CG CAMP PENDLETON INFO SECDEF  
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CINCPAC  
DEPT OF JUSTICE  
CG FT NHAFFEE ARK

INDIANTOWN GAP MIL RES PA  
CG EGLIN AFB FLA

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